UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,123	12/05/2003	Jens-Uwe Schluetter	03-1075	9023

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/729,123	SCHLUETTER ET AL.
	Examiner	Art Unit
	Namitha Pillai	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 January 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _19-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _19-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _6_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office action is responsive to the Request for Continued Examination (RCE)

filed under 37 CFR §1.53(d) on 1/3/07. Applicants have properly set forth the RCE,

which has been entered into the application, and an examination on the merits follows

herewith. The Examiner acknowledges Applicant's amendments including the

cancellation of claims 1-18 and addition of new claims 19-40. All pending claims have

been rejected as being obvious over prior arts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 19-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.

S. Publication No. 2003/0004853 A1 (Ram et al.), herein referred to as Ram and U. S.

Patent No. 5, 598, 183 (Robertson et al.), herein referred to as Robertson.

        Referring to claim 19, Ram discloses a method for displaying a cursor on a

graphical user interface (page 2, paragraph 18). Ram discloses receiving real time

market data associated with a tradeable object being traded at an electronic exchange

(Figure 3 and page 1, paragraph 1, lines 1-4). Ram also discloses that the tradeable

object has an inside market comprising a highest bid price and a lowest ask price

currently available for the tradeable object, as shown at the top of the user interface of

Figure 3. Ram also discloses displaying a plurality of price levels arranged on the

graphical user interface (Figure 3), wherein each of the plurality of price levels are

based on current market data associated with the tradeable object (page 1, paragraph 1

and page 9, paragraph 178, lines 4-8). Ram discloses that the areas including the list

within the user interface are locations that can receive commands from a user input

device (page 2, paragraphs 17 and 18). The user choosing a cell from the list indicates

setting order price parameters for trade orders on the graphical user interface (Figure 3

and page 9, paragraph 170), where the cells being chosen at a price level indicates

buying the tradeable object at that set order price parameter (reference number 200;

Figure 3). The plurality of locations as stated earlier, at each moment in time, the

location that is selectable corresponds to the price list of Figure 3. Ram discloses

receiving new market data associated with the tradeable object (page 1, paragraph 1,

lines 15-18). Ram discloses determining that a cursor of the user input device is

positioned over one of the plurality of locations on the graphical user interface (page 2,

paragraph 18), where the cell where the cursor has been place corresponds with a price

level. Ram discloses that the user interface is automatically updated when the new

market data is updated in real time (page 2, paragraph 25, lines 5-9). The price levels

are updated (page 9, paragraph 178, lines 4-6). Ram discloses by updating the plurality

of price levels the price level in Figure 25 of price 56.79 does not correspond to the

same location as when the updated display is shown in Figure 26, where the same price

56.79 has changed to a new location. Ram discloses receiving a command from the

user input device that sets an order price parameter for a trade order based on the price

level (page 1, paragraph 5, lines 11-16). Ram does not disclose determining if the user

interface has changed, where if the cursor location does not correspond to a first

location, automatically adjusting the cursor to correspond with the desired location.

Robertson discloses based on a determination if the user interface has changed,

automatic updating of a cursor position to ensure that the cursor is corresponding with

the location that is desirable to the user (column 1, lines 43-57). It would have been

obvious to one skilled in the art at the time of the invention to learn from Robertson to

automatically reposition the cursor, so that in response to change in a user interface,

the cursor remains corresponding with the location that is desired by the user. Ram has

disclosed a plurality of price levels with selectable cells, where this plurality of price

levels can vary at any one point in time. Furthermore, Ram has clearly disclosed an

example of when one price level that is desired by a user, can move along the plurality

of price levels and placed at a different location, as seen from the transition from Figure

25 to Figure 26. These scenarios show that cursor control is needed to ensure that the

when the transition to Figure 26 from Figure 25 occurs, the user's choice and placement

of cursor corresponds with the price desired. Therefore, one skilled in the art would

have been motivated to learn from Robertson to automatically reposition the cursor, so

that in response to change in a user interface, the cursor remains corresponding with

the location that is desired by the user.

Referring to claims 20 and 37, Ram discloses displaying the plurality of

locations for receiving commands from the user input device to send trade orders to the

electronic exchange, such that selection of a location of the plurality of locations through

an action of the user input device will both set an order price parameter and send a

trade order to the electronic exchange (page 1, paragraph 5, lines 11-16).

Referring to claims 21 and 38, Ram discloses that the user input device is a

mouse comprising a mouse button and the action is a single click of the mouse button

(page 2, paragraph 18).

Referring to claims 22 and 39, Ram discloses that the user input device is a

mouse comprising a mouse button and the action is more than one click of the mouse

button (page 1, paragraph 5, lines 11-16).

Referring to claim 23, Ram discloses that displaying the plurality of price levels

arranged on the graphical user interface comprises displaying only those price levels for

which orders reside for the tradeable object at the electronic exchange (Figure 3).

Referring to claim 24, Ram discloses displaying price levels corresponding to

orders to buy the tradeable object along a first column (reference number 200, Figure 3)

and displaying price levels corresponding to orders to sell the tradeable object along a

second column (reference number 305, Figure 3).

Referring to claim 25, Ram discloses displaying price levels corresponding to

orders to buy and orders to sell the tradeable object along a single column (Figure 10),

where the figure shows in one column price levels corresponding to orders to buy and

orders to sell one tradable object (page 12, paragraph 214).

Referring to claim 26, Ram discloses displaying those price levels that

correspond to the inside market at designated locations (Figure 3).

Referring to claim 27, Ram discloses displaying the plurality of price levels arranged on the graphical user interface comprises displaying price levels along a static price axis (page 14, paragraph 254, lines 8-10).

Referring to claim 28, Ram discloses displaying a best bid indicator that represents the current highest bid price for the tradeable object and displaying a best ask indicator that represents the current lowest ask price for the tradeable object (as shown at the top of Figure 3), wherein the best bid indicator and the best ask indicator can move relative to the static price axis when the inside market changes (page 14, paragraph 254, lines 8-10).

Referring to claim 29, Ram discloses automatically updating the display on the graphical user interface upon receipt of new market data comprises repositioning the static price axis on the graphical user interface based in part upon the receipt of new price data (page 14, paragraph 256).

Referring to claim 30, Ram discloses repositioning the static price axis occurs as a result of the market moving outside of a range of price levels (Figures 25 and 26).

Referring to claim 31, Ram discloses repositioning the static price axis so that the price levels corresponding to the inside market are moved to designated locations along the static price axis (Figures 25 and 26).

Referring to claim 32, Ram and Robertson disclose associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed (Robertson, reference number 102, Figure 4).

Referring to claim 33, Ram discloses displaying the plurality of price levels

arranged on the graphical user interface comprises displaying the plurality of price

levels that correspond to a last trade price for the tradeable object (page 3, paragraph

43).

Referring to claim 34, Ram discloses a method for displaying a cursor on a

graphical user interface (page 2, paragraph 18). Ram discloses receiving real time

market data associated with a tradeable object being traded at an electronic exchange

(Figure 3 and page 1, paragraph 1, lines 1-4). Ram also discloses that the tradeable

object has an inside market comprising a highest bid price and a lowest ask price

currently available for the tradeable object, as shown at the top of the user interface of

Figure 3. Ram also discloses displaying a plurality of price levels arranged on the

graphical user interface (Figure 3), wherein each of the plurality of price levels are

based on current market data associated with the tradeable object (page 1, paragraph 1

and page 9, paragraph 178, lines 4-8). Ram discloses that the areas including the list

within the user interface are locations that can receive commands from a user input

device (page 2, paragraphs 17 and 18). The user choosing a cell from the list indicates

setting order price parameters for trade orders on the graphical user interface (Figure 3

and page 9, paragraph 170), where the cells being chosen at a price level indicates

buying the tradeable object at that set order price parameter (reference number 200,

Figure 3). The plurality of locations as stated earlier, at each moment in time, the

location that is selectable corresponds to the price list of Figure 3. Ram discloses that

when new market data is displayed, a command ensures that the data is repositioned

the data being the plurality of price levels, which corresponds with the new market data

(Figures 25, 26 and page 2, paragraph 25, lines 5-9). Ram discloses determining that a

cursor of the user input device is positioned over one of the plurality of locations on the

graphical user interface (page 2, paragraph 18), where the cell where the cursor has

been place corresponds with a price level. Ram discloses automatically updating the

display on the graphical user interface upon receipt of the command to reposition,

where this command is based on the refresh command to accommodate the display of

new market data (page 2, paragraph 25, lines 5-9). The automatic update of market

data also includes updating the price levels (page 13, paragraph 254, lines 1-4). Ram

discloses by updating the plurality of price levels the price level in Figure 25 of price

56.79 does not correspond to the same location as when the updated display is shown

in Figure 26, where the same price 56.79 has changed to a new location. Ram

discloses receiving a command from the user input device that sets an order price

parameter for a trade order based on the price level (page 1, paragraph 5, lines 11-16).

Ram does not disclose determining if the user interface has changed, where if the

cursor location does not correspond to a first location, automatically adjusting the cursor

to correspond with the desired location. Robertson discloses based on a determination

if the user interface has changed, automatic updating of a cursor position to ensure that

the cursor is corresponding with the location that is desirable to the user (column 1,

lines 43-57). It would have been obvious to one skilled in the art at the time of the

invention to learn from Robertson to automatically reposition the cursor, so that in

response to change in a user interface, the cursor remains corresponding with the

location that is desired by the user. Ram has disclosed a plurality of price levels with

selectable cells, where this plurality of price levels can vary at any one point in time.

Furthermore, Ram has clearly disclosed an example of when one price level that is

desired by a user, can move along the plurality of price levels and placed at a different

location, as seen from the transition from Figure 25 to Figure 26. These scenarios show

that cursor control is needed to ensure that the when the transition to Figure 26 from

Figure 25 occurs, the user's choice and placement of cursor corresponds with the price

desired. Therefore, one skilled in the art would have been motivated to learn from

Robertson to automatically reposition the cursor, so that in response to change in a user

interface, the cursor remains corresponding with the location that is desired by the user.

Referring to claim 35, Ram discloses receiving a command from a user

input device to reposition the plurality of price levels (page 13, paragraph 254, lines 6-

8).

Referring to claim 36, Ram discloses an automatic repositioning command to

reposition the plurality of price levels (page 13, paragraph 254, lines 2-4).

Referring to claim 40, Ram discloses displaying the plurality of price levels

arranged on the graphical user interface comprises displaying price levels along a static

price axis, such that indicators representing the inside market can move relative to the

static price axis when the market changes (page 14, paragraph 255).

Conclusion

3.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach the method for displaying a cursor in a user interface that displays current market data.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(571) 272-2100.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
March 18, 2007

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173